

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

GREGORY JEFFREYS,

Plaintiff,

vs.

Civil Action No. _____

NATIONWIDE GENERAL INSURANCE
COMPANY,

Defendant.

NOTICE OF REMOVAL

Defendant Nationwide Property & Casualty Insurance Company, erroneously referred to as “Nationwide General Insurance Company,” by and through its attorneys, hereby provides notice pursuant to 28 U.S.C. § 1446 of the removal of the above-captioned case from the Circuit Court of Shelby County, Tennessee for the Thirtieth Judicial District at Memphis to the United States District Court for the Western District of Tennessee. The grounds for removal are as follows:

1. Plaintiff commenced this action by filing a Complaint on or about May 20, 2014, in the Circuit Court of Shelby County, Tennessee for the Thirtieth Judicial District at Memphis. The case was docketed at CT-002246-14.

2. A summons was issued on or about June 27, 2014, and Defendant, through the Commissioner of Insurance, was served with a copy of the Complaint on or about July 3, 2014. A true and correct copy of the summons and Complaint is attached collectively hereto as Exhibit 1.

3. Defendant files this Notice of Removal within 30 days after service of the Plaintiff's Complaint. Pursuant to Section 1446(b)(1), this Notice of Removal is timely.

4. Concurrent with the filing of this Notice, Defendant is serving this Notice on Plaintiff's counsel and filing a copy of the Notice with the Clerk of the Circuit Court of Shelby County, Tennessee for the Thirtieth Judicial District at Memphis.

5. Defendant also states that it has not been served with any other pleading or order in the underlying civil action in state court.

6. Venue is proper in this Court pursuant to 28 U.S.C. §§ 123(c)(2) and 1441(a), because the United States District Court for the Western District of Tennessee, Western Division is the federal judicial district embracing the Circuit Court of Shelby County, Tennessee for the Thirtieth Judicial District at Memphis, where this action was originally filed.

7. By filing a Notice of Removal in this matter, Defendants do not waive their rights and specifically reserve their rights to assert any defenses and/or objections to which they may be entitled.

8. As shown below, this case is removable to federal court based on diversity jurisdiction under 28 U.S.C. § 1332.

DIVERSITY JURISDICTION

9. This Court has original jurisdiction over this action pursuant to 28 U.S.C. § 1332. Diversity jurisdiction exists where (1) the suit is between citizens of different states, and (2) the amount in controversy exceeds \$75,000, exclusive of interest and costs. *Rogers v. Wal-Mart Stores, Inc.*, 230 F.3d 868, 871 (6th Cir. 2000).

A. The Parties Are Completely Diverse.

10. Complete diversity exists between the relevant parties to this action. As alleged in the Complaint, Plaintiff Gregory Jeffreys is a resident of Shelby County, Tennessee. (Compl. ¶ 2.) On information and belief, Plaintiff Gregory Jeffreys is a citizen of Tennessee.

11. Defendant Nationwide Property & Casualty Insurance Company, erroneously referred to as “Nationwide General Insurance Company,” is an Ohio corporation with its principal place of business in Franklin County, Columbus, Ohio. Thus, Nationwide Property & Casualty Insurance Company is a citizen of Ohio. *See* Nationwide’s listing on the Ohio Secretary of State website,¹ http://www2.sos.state.oh.us/pls/bsqry/f?p=100:7:0::NO:7:P7_CHARTER_NUM:544821 (last visited July 30, 2014); *see also* Printouts from Ohio Sec. of State, attached hereto as Exhibit 2.

12. Because Plaintiff is a citizen of Tennessee and Nationwide Property & Casualty Insurance Company is not a citizen of Tennessee, complete diversity exists between the parties to this action.

B. The Amount in Controversy Requirement is Satisfied.

13. The amount in controversy requirement of 28 U.S.C. § 1332 is also satisfied. Under 28 U.S.C. § 1332(a), the amount in controversy in a case where federal jurisdiction is based on diversity of citizenship must exceed \$75,000.00, exclusive of interest and costs.

14. Here, Plaintiff’s Complaint clearly demonstrates that the amount in controversy exceeds the jurisdictional minimum.

¹ This Court may take judicial notice of listings on state Secretary of State websites when determining citizenship of corporations or businesses for purposes of analyzing diversity jurisdiction. *See Arvest Bank v. Byrd*, 814 F.Supp.2d 775, 787 n. 4 (W.D. Tenn. 2011).

15. On page 6 of Plaintiff's Complaint, under "Relief Sought," Plaintiff prays for "Compensatory damages in the amount of \$500,000," "punitive damages in the amount of \$500,000," and "reasonable attorney's fees." (Compl. 6.)

16. Because both of the requirements for federal diversity jurisdiction are satisfied, this case is removable by Defendant pursuant to 28 U.S.C. § 1332.

WHEREFORE, Notice is given that this action is removed from the Circuit Court of Shelby County, Tennessee for the Thirtieth Judicial District at Memphis to the United States District Court for the Western District of Tennessee.

Dated: August 1, 2014.

Respectfully submitted,

BAKER, DONELSON, BEARMAN,
CALDWELL & BERKOWITZ, PC

By: /s/ Mary Wu

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Attorneys for Defendant

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 1st day of August, 2014, a copy of the foregoing was electronically filed and served on the parties listed below via first class mail, postage prepaid,:

Paul J. Springer
301 Washington, Suite 302
Memphis, TN 38103

/s/ Mary Wu
Mary Wu